

REMARKS

Claims 1-69, 79-88 and 98-107 were previously pending in this application. Claims 70-78 and 89-97 were previously canceled in a preliminary amendment. By this amendment, claims 52, 53 and 56 have been amended. Claims 29-51 and 70-107 have been canceled without prejudice. As a result, claims 1-28 and 52-69 are pending for examination with claims 1, 2, 52, 53, 56 and 67 being independent claims. No new matter has been added.

Rejections Under 35 U.S.C. §112

Claims 53-66 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite because the recitation of "the first sample" in independent claim 53 lacked antecedent basis. Claim 53 has been amended by inserting "first" before the first recitation of "sample" in the claim. Claims 54, 55 and 60 depend either directly or indirectly from claim 53. Applicants note that claims 61-66 depend from claim 52 and that prior to this amendment, claims 56-59 also depended from claim 52, not from claim 53 (see below).

Accordingly, withdrawal of this rejection is respectfully requested.

Rejections Under 35 U.S.C. §102

Claim 52 was rejected under 35 U.S.C. §102(b) as being anticipated by Pedersen, United States Patent No. 4,491,730 (Pedersen).

Claim 52 has been amended to recite that the sample system is constructed and arranged to deliver a sample via a sample inlet. Support for the amendment can be found, for example, at page 11, lines 13-15 and in FIG. 2A.

Applicants fail to see where Pedersen discloses a sample system constructed and arranged to deliver a sample via a sample inlet and to position first and second portions of the sample separately and in isolation from each other, as claimed. Therefore, claim 52 is patentable over Pedersen. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 61-66 depend either directly or indirectly from claim 52 and are therefore patentable for at least the above-mentioned reason.

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The subject matter of originally filed independent claim 52 has been amended into former dependent claim 56 to render claim 56 an independent claim. Applicants fail to see where Pedersen discloses a system comprising a sample chamber constructed and arranged to position first and second portions of a sample separately and in isolation, as claimed. Thus, amended claim 56 is patentable over Pedersen for at least this reason. Claims 57-59 depend from claim 56 and are therefore also patentable over Pedersen.

Allowable Subject Matter

Claims 1-28 and 67-69 have been allowed.

**CONCLUSION**

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,  
*Schueller et al., Applicants*

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